



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

WILLIAM M. CHICK,	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 0:05-1786-HFF-BM
	§	
NEWBERRY COUNTY DETENTION	§	
CENTER, CAPTAIN NFN GUNDLER,	§	
and LT. NFN BOWERS,	§	
Defendants.	§	

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE AND DISMISSING THE ACTION AS TO CERTAIN DEFENDANTS

This is a Section 1983 action. Plaintiff is proceeding *pro se*. The matter is before the Court for review of the report and recommendation (report) of the United States Magistrate Judge in which he suggests that this action be dismissed as to Defendants Newberry County Detention Center and Capt. Gundler, *without prejudice* and without issuance and service of process, and that the Complaint be served on Defendant Lt. Bowers.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *See Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed his report on June 30, 2005. Plaintiff filed a one (1) page document on August 11, 2005, wherein he states that he has “no problem with . . . Defendants Newberry County Detention Center [] and Captain Gundler being dismissed at this time.” In the absence of objections, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the report and the record in this case pursuant to the standards set forth above, the Court adopts the report and incorporates it herein. Therefore, it is the judgment of this Court that the case must be **DISMISSED** as to Defendants Newberry County Detention Center and Capt. Gundler, *without prejudice* and without issuance and service of process, and that the Complaint must be served on Defendant Lt. Bowers.

IT IS SO ORDERED.

Signed this 12th day of August, 2005, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.